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ACTION EAP-00

INFO	LOG-00	NP-00	AID-00	A-00	ACQ-00	CEA-01	CIAE-00
	COME-00	CTME-00	DODE-00	ITCE-00	DOFE-00	SRPP-00	DS-00
	EB-00	EXME-00	E-00	FAAE-00	FBIE-00	UTED-00	VC-00
	FRB-00	H-01	TEDE-00	INR-00	ITC-01	LAB-01	L-00
	VCE-00	MOFM-05	MOF-03	AC-01	NSAE-00	NSCE-00	OMB-01
	OPIC-01	PA-00	PC-01	PM-00	PRS-00	ACE-00	P-00
	SP-00	SSO-00	STR-00	TEST-00	TRSE-00	USIE-00	R-00
	EPAE-00	PMB-00	DSCC-00	DRL-02	G-00	NFAT-00	SAS-00
	SWCI-00	/018W					

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FM AMEMBASSY HANOI
TO SECSTATE WASHDC 4611
INFO AMCONSUL HO CHI MINH CITY
USCINCPAC HONOLULU HI

UNCLAS SECTION 01 OF 02 HANOI 002914

SIPDIS

E.O. 12958: N/A

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SUBJECT: VIETNAM: NATIONAL ASSEMBLY CHAIRMAN SETS OUT
LEGISLATIVE AGENDA FOR 2002.

11. SUMMARY: AT A RECENT BRIEFING FOR THE DIPLOMATIC CORPS, MR. VU MAO, CHAIRMAN, OFFICE OF THE NATIONAL ASSEMBLY, SET OUT THE NATIONAL ASSEMBLY'S LEGISLATIVE AGENDA FOR 2002. THE THREE MAJOR TASKS OF THE NATIONAL ASSEMBLY WILL BE: REVIEW OF THE ECONOMY AND
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APPROVAL OF THE FIVE YEAR PLAN; APPROVAL OF THE BUDGET; AND AMENDMENTS TO THE CONSTITUTION. THE NATIONAL ASSEMBLY IS SET TO CONVENE ON NOVEMBER 20 FOR THE NEXT SESSION. SOME OF MAO'S COMMENTS WERE CLEARLY DESIGNED FOR HIS "WESTERN" AND DONOR-COUNTRY AUDIENCE, BUT HE DID SHED SOME LIGHT ON CURRENT VIETNAMESE PRIORITIES. END SUMMARY.

ECONOMY, BUDGET & CONSTITUTIONAL REFORM

12. BY THE END OF 2001, THE NATIONAL ASSEMBLY WILL NEED TO REVIEW THE ECONOMY AND SET TASKS FOR 2002, INCLUDING APPROVAL OF THE BUDGET AND TARGETS FOR GROWTH RATE, INFLATION, ETC. THE NATIONAL ASSEMBLY WILL ALSO NEED TO LOOK AT THE CONSTITUTION IN TERMS OF NECESSARY REVISIONS TO MAKE CLEAR THAT THE GOVERNMENT ENCOURAGES "ALL ECONOMIC PLAYERS", ACCORDING TO MAO.

13. MAO CITED DIFFICULTIES THAT THE GOVERNMENT IS HAVING IN MOVING FROM A CENTRAL PLANNED SYSTEM TO MORE MARKET BASED AND NOTED THAT THE PROBLEMS WILL ONLY GET WORSE IF NOT ADDRESSED. THERE CONTINUES TO BE SERIOUS CONFUSION BETWEEN "GOVERNMENT MANAGEMENT" AND "BUSINESS MANAGEMENT." THE MINISTRIES ARE OFTEN SO BUSY WORKING ON MANAGING THEIR STATE-OWNED ENTERPRISES THAT THEY NEGLECT THEIR "GOVERNANCE DUTIES" HE CHARGED.

14. THE WORK OF THE NATIONAL ASSEMBLY REGARDING CONSTITUTIONAL REVISIONS WILL FOCUS ON: ADMINISTRATIVE REFORM ISSUES; ADMINISTRATION OF THE NATIONAL ASSEMBLY; AND ELECTIONS. ADMINISTRATIVE REFORM WILL INCLUDE ISSUES RELATED TO COURTS AND PROSECUTORY PROCESS (BY END 2002), LOCAL GOVERNMENT RULES, AND RULES REGARDING THE PEOPLE'S COUNCILS (BY END 2004).

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15. MAO DETAILED THE NEED TO REVISE THE CONSTITUTION (SEPTEL), NOTING THAT ALTHOUGH THE PROCESS OF REFORM HAS BEEN ONGOING FOR 15 YEARS, PROBLEMS AND CHALLENGES REMAIN. THE GOVERNMENT ADMINISTRATION CANNOT MEET THE REQUIREMENTS OF THE NATION. IN PARTICULAR, THE NATIONAL ASSEMBLY NEEDS ADDITIONAL ADMINISTRATIVE SUPPORT, ESPECIALLY SINCE IT STARTED TO TELEVISION DEBATES. FOR THE FIRST TIME, THE NATIONAL ASSEMBLY HAS TO RESPOND TO QUESTIONS FROM THE PEOPLE, AND THE GOVERNMENT MUST RESPOND TO QUESTIONS FROM THE NATIONAL ASSEMBLY.

16. ACCORDING TO MAO, THE NATIONAL ASSEMBLY CURRENTLY DOES NOT HAVE THE DEPTH OR BREADTH OF TALENT TO DRAFT OR APPROVE SUFFICIENT LAWS TO MEET THE NEEDS OF A "RULES-BASED" GOVERNMENT. STAFF LEVELS FOR THE NATIONAL ASSEMBLY ARE LOW - ONLY 300 STAFFERS COMPARED WITH 3000 FOR THE JAPANESE DIET - AND NOW THE NATIONAL ASSEMBLY IS FACING DOWNSIZING DEMANDS MADE OF ALL GOVERNMENT OFFICES. MOST MEMBERS SERVE ONLY ON A PART-TIME BASIS

AND THE "QUALITY" OF MEMBERS IS HIGHLY UNEVEN ACCORDING TO MAO. HE WOULD LIKE TO SEE THE NATIONAL ASSEMBLY RANKS INCREASE TO 500 FROM 450 MEMBERS AND TO "BETTER REPRESENT THE 60 PROVINCES, MINORITIES, AND WOMEN."

17. THERE IS ALSO AN INTERNAL DEBATE ON THE APPROACH NEW LAWS SHOULD TAKE. THAT IS, SHOULD LAWS ALLOW ALL ACTIVITIES IN AN AREA EXCEPT THOSE WHICH ARE SPECIFICALLY PROHIBITED? OR SHOULD LAWS PROHIBIT ALL ACTIVITIES EXCEPT THOSE WHICH ARE SPECIFICALLY ALLOWED? (N.B. THIS IS THE "NEGATIVE LIST" VS "POSITIVE LIST" DEBATE.) MAO NOTED THAT THE NATIONAL ASSEMBLY CAN ONLY PASS ABOUT 10 LAWS A YEAR UNDER THE CURRENT RULES BECAUSE EACH INDIVIDUAL ARTICLE OF EACH LAW MUST BE DISCUSSED. ADDITIONALLY, THE NATIONAL ASSEMBLY LACKS EXPERIENCED STAFF FOR DRAFTING LAWS

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SO THE QUALITY OF LEGISLATION IS OFTEN POOR, REQUIRING ADDITIONAL DEBATE. (N.B. AT PRESENT, GOVERNMENT AGENCIES DRAFT LEGISLATION WITH LITTLE TO NO CONSULTATION BETWEEN MINISTRIES.)

18. REGARDING REFORM OF THE COURTS AND PROSECUTORY PROCESS, THE GOAL OF THE SYSTEM SHOULD BE TO IMPLEMENT JUSTICE, BUT MANY CASES RESULT IN UNFAIR JUDGEMENTS, MAO SAID. THERE IS A NEED TO MAKE COURTS MORE ACCOUNTABLE FOR THEIR DECISIONS. A VIETNAM WHERE THERE IS RULE OF LAW AND "DEMOCRACY" IS THE GOAL. HOWEVER, IN CERTAIN CASES, THERE ARE PROBLEMS WITH VIOLATIONS OF CITIZENS' RIGHTS. IN ADDITION, SOME PUBLIC EMPLOYEES EXPECT BRIBES TO DO THEIR JOBS OR TAKE PAYMENT TO ISSUE WAIVERS TO TAKE ADVANTAGE OF GAPS IN THE LAW. TO DEAL WITH THESE PROBLEMS, VIETNAM NEEDS TO CHANGE THE LEGAL ENVIRONMENT AS WELL AS CHANGE ATTITUDES AMONG PUBLIC SERVANTS.

19. MAO ALSO DISCUSSED THE NEED TO CLARIFY THE RESPONSIBILITIES OF LOCAL GOVERNMENTS VS CENTRAL GOVERNMENT AND TO LOOK AT GREATER AUTONOMY FOR LOCAL GOVERNMENTS. HE NOTED THAT IN VIETNAM, THE CENTRAL GOVERNMENT IS INVOLVED IN ALL AREAS - BUT THAT THERE NEEDS TO BE GREATER DECENTRALIZATION IN AREAS LIKE EDUCATION AND SOCIAL SERVICES. LOCAL GOVERNMENTS ARE COMPLAINING AND THE NATIONAL ASSEMBLY NEEDS TO LOOK AT WAYS TO EMPOWER THEM AS WELL AS WAYS TO IMPROVE THE "QUALITY" OF LOCAL OFFICIALS.

10. REGARDING GREATER AUTONOMY FOR HO CHI MINH CITY, MAO NOTED THAT IN VIETNAM, GOVERNMENT ADMINISTRATION WORKS ON 4 LEVELS - CENTRAL, PROVINCIAL, DISTRICT, AND COMMUNE. THE HCMC DEBATE IS ABOUT THE DISTRICT LEVEL ADMINISTRATION - SHOULD IT CONTINUE TO EXIST AND IF SO, IN WHAT AREAS? HCMC HAS PROPOSED REMOVING THE PEOPLE'S COUNCIL AT THE DISTRICT LEVEL BECAUSE THE NUMEROUS DIFFERENT COUNCILS PREVENT EFFECTIVE GOVERNANCE OF HCMC AS A

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SINGLE CITY. MAO ARGUED THAT THE DISTRICT LEVEL WAS STILL REQUIRED IN RURAL AREAS AND THE PROPOSAL WAS CONTRARY TO THE EXISTING CONSTITUTION. (N.B. HE DIDN'T ADDRESS WHETHER THE NATIONAL ASSEMBLY WILL ADDRESS THIS ISSUE SPECIFICALLY WHEN CONSIDERING AMENDMENTS TO THE CONSTITUTION.)

11. MAO CONCLUDED HIS TALK WITH AN APPEAL TO DONORS FOR INCREASED TRAINING AND TECHNICAL ASSISTANCE FOR NATIONAL ASSEMBLY MEMBERS AND STAFF IN ORDER TO IMPROVE THE QUALITY OF GOVERNANCE IN VIETNAM. HE NOTED THAT MOST ASSISTANCE GOES TO THE CENTRAL GOVERNMENT - NOT TO THE NATIONAL ASSEMBLY OR THE JUDICIARY BRANCH, WHICH ARE RESPONSIBLE FOR EFFECTING CHANGE IN VIETNAM.

12. COMMENT: SOME OF MAO'S COMMENTS WERE CLEARLY DESIGNED FOR HIS "WESTERN" AND DONOR-COUNTRY AUDIENCE - LIKE INCREASING THE PARTICIPATION OF MINORITIES AND WOMEN IN THE NATIONAL ASSEMBLY - BUT HE DID SHED SOME LIGHT ON CURRENT VIETNAMESE PRIORITIES. INTERESTINGLY, HE DID NOT ONCE MENTION THE RATIFICATION OF THE BTA AS A PRIORITY FOR THE NATIONAL ASSEMBLY, WHEN IN FACT MANY OTHERS, INCLUDING TOP PARTY LEADERS, GOVERNMENT OFFICIALS AND THE PRESS, HAVE EMPHASIZED IT AS A NUMBER ONE PRIORITY FOR THE NATIONAL ASSEMBLY WHEN IT RECONVENES IN LATE NOVEMBER.

PORTER

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